

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-CR-00293 HEA-JSD
)	
BRANDON BOSLEY,)	
)	
Defendant.)	

CONSENT MOTION FOR A PROTECTIVE ORDER

COMES NOW the United States of America, by and through undersigned counsel, and pursuant to Federal Rule of Criminal Procedure 16(d)(1), moves this Court for an order protecting certain disclosures to be made by the Government in the above-captioned matter. In support thereof, the Government states as follows:

1. Pursuant to this Court's July 16, 2024 Order (ECF 72), the United States is producing a number of copies of recordings to Defendant.

2. The Defense agrees that, while Defense counsel may provide copies of these recordings to Defendant Bosley for his review, Defendant Bosley will not be entitled to retain these recordings, and Defendant Bosley will return the copies of these recordings to Defense Counsel following his review. The Defense further agrees that Defense counsel and Defendant Bosley will not share the contents of these recordings, nor disclose or disseminate these recordings or copies of these recordings, to any individuals other than attorneys, paralegals, or clerical employees involved in the defense of this case with current defense Counsel, Diane Dragan. The parties further agree that these restrictions will remain in place throughout the entirety of the proceedings related to this case and only with further Order of this Court.

3. Rule 16(d) provides that this Court may, for good cause shown, enter a protective order to “deny, restrict, or defer discovery or inspection.” For example, in *United States v. Lee*, the Eighth Circuit upheld a protective order that “prevented [the defendant] from accessing discovery documents and the names of witnesses” while “permit[ing] him to be informed about all other matters and to discuss them with counsel.” 374 F.3d 637 (8th Cir. 2004). Other circuits have found unobjected-to motions for protective orders appropriate to prevent the dissemination of sensitive discovery materials. *See United States v. Navarro*, 770 F. App’x 64, 65 (4th Cir. 2019); *see also United States v. Cordova*, 806 F.3d 1085, 1090 (D.C. Cir. 2015) (“[T]rial court[s] can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials which they may be entitled to inspect.”). Nevertheless, a protective order must permit “disclosure in a manner sufficient to facilitate preparation of a competent defense.” *See United States v. Graham*, No. 19-CR-185(2) (SRN/KMM), 2020 WL 614808, at *1 (D. Minn. Feb. 10, 2020).

4. Here, the proposed protective order will allow Defendant Bosley to have access to and review the recordings subject to this Court’s Order, while safeguarding against the disclosure of these materials—which relate to a separate investigation. The proposed order also will avoid any potential concerns about the public identification and safety or intimidation of numerous uncharged third parties and potential witnesses whose voices and images are captured on these recordings.

5. On behalf of Defendant Bosley, Defense counsel Diane Dragan consents to the entry of the proposed Protective Order.

6. Wherefore, the Government requests this Court enter an Order requiring Defendant Bosley to return these recordings to Defense counsel following his review, and prohibiting

Defendant Bosley and Defense counsel from sharing the contents of these recordings, and prohibit Defendant Bosley and Defense Counsel from disclosing or disseminating these recordings or copies of these recordings to any individuals other than attorneys, paralegals, or clerical employees involved in the defense of this case with current defense Counsel, Diane Dragan, until and unless this Court orders otherwise.

WHEREFORE, the Government respectfully requests that the Court enter the proposed protective order in this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on July 25, 2024, a true and accurate copy of this document was filed with the Court's electronic file-management system for service upon all counsel of record.

/s/ Hal Goldsmith
HAL GOLDSMITH
Assistant United States Attorney